IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

(1) S.B. CIVIL WRIT PETITION NO. 6997/2002
MASTER SHRI VIRENDRA SINGH JI LOK KALYAN SANSTHAN
Vs.
THE DISTRICT COLLECTOR (VIGILANCE), KOTA & ORS.
And
(2) S.B. CIVIL WRIT PETITION NO. 231/1997
HEERA LAL ARYA Vs. STATE OF RAJASTHAN & ORS.

DATE: 07.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mrs. Kamla Jain for the petitioners.
Mr. B.S. Chhaba, Dy. G.A. for the State.
Mr. Nageshwar Soral for the respondent No.3.

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Since both the writ petitions are involving similar questions of law, therefore, they are being decided by this common order.

S.B.C.W. Petition No. 231/97 has been preferred by the petitioner Heera Lal Arya challenging the order dated 12.07.95 passed by the Additional Collector, Kota. In this writ petition, the petitioner Heera Lal has submitted that the Gram Panchayat, Itawa vide its resolution dated 16.02.91 issued a 'Patta' of the land measuring 200x100 Sq. Fts. in the name of Virendra Singh Public Welfare Institution. The villagers-respondent Nos. 3 to 16 challenged the 'Patta' issued by the Gram Panchayat, Itawa on 16.02.91

by way of filing revision petition before the Additional Collector, Kota and the Additional Collector after hearing both the parties, vide its order dated 12.07.95 allowed the revision petition filed by the respondents-villagers and cancelled the 'Patta' issued by the Gram Panchayat, Itawa on 16.02.91.

After filing of this writ petition No. 231/97, after about 5 years another writ petition has been preferred on behalf of the Master Shri Virendra Singh Ji Lok Kalyan Sansthan and the same has been registered as S.B.C.W. Petition No. 6997/2002 against the consequential order Annexure-4 passed by the District Collector (Vigilance), Kota pursuant to the order dated 12.07.95 passed by the Additional Collector, Kota in the revision petition.

In this writ petition it is stated that the petitioner Trust is a registered Trust and the Gram Panchayat, Itawa vide its resolution dated 16.02.91 issued a 'Patta' in the name of the petitioner Trust and the Trust had invested huge amount for development of the land and constructed a community hall. In this writ petition, the petitioner Trust has not challenged the order dated 12.07.95 passed by the Additional Collector, Kota and only challenged the consequential order Annexure-4 passed by the District Collector

(Vigilance), Kota complying with the order dated 12.07.95 passed by the Additional Collector, Kota.

In reply to the writ petition, the learned counsel appearing for the State has categorically stated that the community hall has been constructed with the fund of the State Government and out of the fund allotted to the local MLA and the local MLA also filed a complaint against the petitioner Trust and, therefore, the Vigilance Committee upon the complaint filed by the MLA of Itawa, held that the Trust has no legal right to keep possession over the community hall as the allotment has already been cancelled vide order dated 12.07.95 passed by the Additional Collector, Kota and it was ordered vide Annexure-4 of this writ petition to hand over the possession of the community hall to the Gram Panchayat, Itawa.

Since in the subsequent writ petition i.e. S.B.C.W. Petition No. 6997/2002, the petitioner Trust has not challenged the order dated 12.07.95 passed by the Additional Collector, Kota and only opted to challenge the consequential order Annexure-4 and since 'Patta' has already been cancelled, the petitioner Trust has no legal right to continue with the possession over the community hall as the Trust has not opted to challenge the order dated 12.07.95.

Thus, I find no merit in the writ petition filed by the petitioner Trust i.e. S.B.C.W. Petition No. 6997/2002 and the same is hereby dismissed.

The interim order dated 03.10.2002 granted by this Court stands rejected. The stay application No. 6549/2002 also stands rej.ected.

Now with regard to another writ petition i.e. S.B.C.W. Petition No. 231/1997 filed by the petitioner Heera Lal Arya, challenging the order dated 12.07.95 passed by the Additional Collector, Kota, as this is admitted fact that the land was allotted in favour of the Virendra Singh Public Welfare Institution by the Gram Panchayat, Itawa vide its resolution dated 16.02.91 but the petitioner has not mentioned as to how he is aggrieved with the order dated 12.07.95 passed by the Additional Collector, Kota. Even the petitioner has not mentioned this fact in the writ petition that he being one of the Trustee of the Trust, has a right to file this writ petition. Further the Trust has not authorised the petitioner Heera Lal to file this writ petition.

Even otherwise also, upon careful perusal of the order passed by the Additional Collector, Kota dated 12.07.95, I find no illegality as the 'Patta' was issued by the Gram Panchayat in favour of the

petitioner Trust contrary to the law and the same has rightly been cancelled vide order impugned dated 12.07.95, which requires no interference by this Court.

Hence, the writ petition No. 231/1997 also deserves to be dismissed and the same is hereby dismissed.

The stay application No. 183/97 also stands rejected.

(K.S. RATHORE),J.

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